IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

APPEAL FROM ORDER NO. 938 OF 2007

IN

NOTICE OF MOTION NO. 3711 OF 2007

IN

L.C. SUIT NO. 2324 OF 2005

Ahmed Jamal Mansoori ... Appellant
(Org. Plaintiff)

Versus

The Municipal Corporation of
Greater Bombay. ... Respondent

Mr.Sudarshan Shinghrani, Advocate, for the appellant.
Ms. Geeta Joglekar, Advocate, for the respondent-B.M.C.

CORAM: J.H.BHATIA,J.

DATE: 30th November,2007.

P.C.

1. Heard learned Counsel for the parties.

2. L.C.Suit No.2234 of 2005 filed by the appellant against the respondent-Municipal Corporation is pending. It appears that in the pending suit, on 21.11.2007, the Municipal Corporation issued a notice to the appellant contending that he has unauthorisedly constructed a temporary tarpaulin shed and stall. He was directed to remove the said unauthorised structure within 24 hours failing which it will be demolished. Against that notice, he took out a Notice of Motion seeking to restrain the defendant from implementing that order. The trial Court refused to pass any ad-interim order and issued the notice. Against that order, the appellant has come to this Court in appeal.

3. After some discussion at the Bar, I find that the Appeal can be disposed of with the following directions :-

> The Respondent-Corporation shall file written statement and reply to the Notice of Motion within one week from today and the trial Court shall dispose of the Notice of Motion within two weeks thereafter. Till the decision of the Notice of Motion, the notice dated 21.11.2007 shall not be implemented.

4. Appeal stands disposed of with the aforesaid

directions.

5. Parties to act as per the authenticated copy of this Order.

(J.H.BHATIA,J.)